

IC 3-14-5

Chapter 5. Enforcement Provisions

IC 3-14-5-1

Affidavit against illegal voter

Sec. 1. (a) This section applies during an election whenever a voter makes an affidavit before the inspector in a precinct that a person who has voted is an illegal voter in the precinct.

(b) Immediately after the close of the polls the inspector shall deliver the affidavit to the prosecuting attorney for the county, who shall:

- (1) proceed as if the affidavit had been made before the prosecuting attorney; and
- (2) notify the NVRA official if a violation of NVRA appears to have occurred.

As added by P.L.5-1986, SEC.10. Amended by P.L.12-1995, SEC.90; P.L.2-1996, SEC.207; P.L.3-1997, SEC.407.

IC 3-14-5-2

Affidavits; packaging, sealing, endorsing, and delivery to grand jury; inquiry by grand jury

Sec. 2. (a) Each precinct election board shall, at the close of the polls, place all affidavits prescribed by this title for use on election day to determine the eligibility of a precinct election officer (or a person who wishes to cast a ballot) in a strong paper bag or envelope and securely seal it. Each member shall endorse that member's name on the back of the bag or envelope.

(b) The inspector and judge of the opposite political party shall deliver the bag or envelope to the county election board, whose duty it is to carefully preserve it and deliver it, with the seal unbroken, to the foreman of the grand jury when next in session.

(c) The grand jury shall inquire into the truth or falsity of the affidavits, and the court having jurisdiction over the grand jury shall specially charge the jury as to its duties under this section.

(d) The grand jury shall file a report of the result of its inquiry with:

- (1) the court; and
- (2) the NVRA official if a violation of NVRA appears to have occurred.

As added by P.L.5-1986, SEC.10. Amended by P.L.12-1995, SEC.91; P.L.2-1996, SEC.208; P.L.3-1997, SEC.408.

IC 3-14-5-3

Duty to report violations to prosecuting attorney and violator; presentation to grand jury

Sec. 3. (a) This section does not apply to a violation of NVRA or IC 3-7 (after December 31, 1994).

(b) The commission and each county election board shall report a violation of this title as a felony or misdemeanor to the appropriate prosecuting attorney and the alleged violator.

(c) The commission and boards may have the report transmitted and presented to the grand jury of the county in which the violation was committed at its first session after making the report and at subsequent sessions that may be required. The commission and boards shall furnish the grand jury any evidence at their command necessary in the investigation and prosecution of the violation.

As added by P.L. 5-1986, SEC. 10. Amended by P.L. 12-1995, SEC. 92; P.L. 2-1996, SEC. 209.

IC 3-14-5-4

Prosecution of violators

Sec. 4. In addition to the duties prescribed by IC 33-39, the prosecuting attorney of each circuit shall prosecute each resident of the circuit who the prosecutor believes has violated IC 3-14-1-7, IC 3-14-1-10, IC 3-14-1-13, IC 3-14-1-14, or IC 3-14-1-14.5 in any circuit of the state.

As added by P.L. 5-1986, SEC. 10. Amended by P.L. 3-1995, SEC. 137; P.L. 3-1997, SEC. 409; P.L. 98-2004, SEC. 45.

IC 3-14-5-5

Indictment or information; allegations

Sec. 5. When an election offense is committed, an indictment or information for the offense is sufficient if it alleges that the election was authorized by law without stating the names of the officers holding the election, the candidates voted for, or the offices filled at the election.

As added by P.L. 5-1986, SEC. 10.

IC 3-14-5-6

Criminal prosecutions; self-incrimination defense not available to witness

Sec. 6. In a criminal prosecution for violation of IC 3-14-1-7, IC 3-14-1-10, IC 3-14-1-13, IC 3-14-1-14, or IC 3-14-1-14.5, a witness, except the person who is accused and on trial, may not be excused from answering a question or producing a book, paper, or other thing on the ground that the witness' answer or the thing to be produced may tend to incriminate the witness or render the witness liable to a penalty. However, the witness' answer or the thing produced by the witness may not be used in a proceeding against the witness, except in a prosecution for perjury in so testifying.

As added by P.L. 5-1986, SEC. 10. Amended by P.L. 3-1995, SEC. 138; P.L. 3-1997, SEC. 410.

IC 3-14-5-7

Informants; immunity

Sec. 7. If a person who has given or received money or other property to or from another person for the purpose of influencing any voter's vote at an election informs upon and testifies against the person receiving or giving the money in a criminal prosecution, the person informing and testifying may not be prosecuted in connection

with the transaction.

As added by P.L.5-1986, SEC.10.